

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 3, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1479**

**Introduced by Assembly Member Chu**

February 21, 2003

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An act to amend Section 11205 of, to add Section 11205.2 to, and to repeal and add Section 11214 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1479, as amended, Chu. Vehicles: traffic violator schools.

(1) Under existing law, a court is authorized to take certain actions regarding a traffic violator school's name and the removal of the name from the traffic violator school referral list published by the Department of Motor Vehicles which is transmitted to the courts. Existing law requires the approval of the court in each judicial district in which a proposed traffic school owner or traffic classes are to be conducted prior to the school being included on this referral list.

This bill would additionally require a court to notify a traffic violator school of the court's decision to remove the school's name from the list and the basis for that decision.

(2) Existing law authorizes the courts to utilize the services of a nongovernmental agency for traffic violator school administration and

monitoring services and charge traffic violators a fee to defray the costs incurred by the agency for providing those services.

The bill would authorize a court to use *the* court assistance program, or CAP, as defined, to assist the court in performing services, as defined, relating to the processing of traffic violators.

(3) Existing law authorizes the department to monitor traffic violator schools, as specified.

This bill would repeal this existing authorization, and instead, would authorize the department to audit, inspect, and monitor all licensed traffic violator schools, as described. The bill would require a court assistance program to follow a specific procedure if that program conducts the school monitoring services.

(4) This bill would provide that its provisions do not restrict the authority of a court to offer court authorized or court approved programs, including, but not limited to, home study programs, to traffic violators.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11205 of the Vehicle Code, as amended  
2 by Section 455.5 of Chapter 931 of the Statutes of 1998, is  
3 amended to read:

4 11205. (a) The department shall publish a traffic violator  
5 school referral list of all the approved locations of traffic violator  
6 school classes, by school name, to be transmitted to each superior  
7 court in the state in sufficient quantity to allow the courts to  
8 provide a copy to each person referred to traffic violator school.  
9 The list shall be revised at least twice annually and transmitted to  
10 the courts by the first day of January and the first day of July. It  
11 shall include all of the following:

12 (1) The name of each traffic violator school or, pursuant to  
13 subdivision (d), the general term “traffic violator school”  
14 followed by its traffic violator school license number.

15 (2) A phone number used for student information.

16 (3) The county and the judicial district.

17 (4) The cities where classes are available.

18 (b) Each traffic violator school owner shall be permitted one  
19 school name in a judicial district.



1 (c) The list shall be organized alphabetically in sections for  
2 each county and subsections for each judicial district within the  
3 county. The order of the names within each judicial district shall  
4 be random pursuant to a drawing or lottery conducted by the  
5 department.

6 (d) On the list prepared by the department under subdivision  
7 (c), each traffic violator school shall appear by name unless a court  
8 determines, pursuant to subdivision (e), that a name is  
9 inappropriate and directs the department to delete the name and  
10 instead list the school by the term “traffic violator school”  
11 followed by its license number. The deletion of the name of a  
12 school from the list for a judicial district shall not affect whether  
13 that school appears by name on the list for any other judicial  
14 district within the state. In making a determination under this  
15 subdivision regarding the deletion of a name from the list, the court  
16 shall use as its criteria whether the name is misleading to the  
17 public, undignified, or implies that the school offers inducements  
18 or premiums which derogate or distort the instructional intent of  
19 the traffic safety program.

20 (e) When the department transmits any referral list pursuant to  
21 subdivision (a), each court shall do all of the following:

22 (1) Within 30 days of receipt of the list, notify the school owner  
23 of any school name that the court intends to remove from the  
24 referral list. In its written notice, the court shall set forth the  
25 specific basis and rationale for its decision.

26 (2) Within 60 days of receipt of the list, make every effort to  
27 schedule, conduct, and complete a hearing for the school owner,  
28 or a representative, if requested, at which the sole issue shall be  
29 whether the name violates the standards set forth in subdivision  
30 (d). A substitute name may be submitted to the court at the  
31 conclusion of the hearing, pursuant to subdivision (h).

32 (3) Within 10 days of the completion of that hearing, notify the  
33 department and school owner of any school names it intends to  
34 remove from the referral list.

35 (f) In order for a court action to delete a school name from the  
36 next referral list published by the department, the department shall  
37 receive court notification no later than 90 days prior to publication  
38 of the next referral list and, absent a direct order by the appellate  
39 division of the superior court or a court of higher jurisdiction, the

1 department may not fail to publish a referral list on the grounds that  
2 there exists pending litigation or appeals concerning the lists.

3 (g) Any court notifying the department of a school name it  
4 intends to remove from the list, pursuant to this section, shall  
5 provide the school owner with the name of the judge making those  
6 findings.

7 (h) When a court informs a school owner, pursuant to  
8 subdivision (e), of its decision to delete the name of a traffic  
9 violator school from that judicial district's subsection of the  
10 department's traffic violator school referral list, the owner may, on  
11 a form approved by the department, submit a substitute name to the  
12 court and request approval of that name. The court shall, within 30  
13 days of receipt of the request for approval of the substitute name,  
14 inform the department and the school owner, on a form approved  
15 by the department, of its approval or rejection of the substitute  
16 name. The school owner may continue this appeal process for  
17 approval of a substitute name until the court determines that the  
18 name does not violate the standard set forth in subdivision (d). A  
19 name approval in a judicial district shall not affect the school's  
20 name or listing in any other district in the state. The department  
21 shall not impose any fee or license requirement under this  
22 subdivision.

23 (i) If a court fails to act within 30 days on a request of a traffic  
24 violator school owner, pursuant to subdivision (h), the proposed  
25 substitute name shall be deemed approved by the court for the  
26 purposes of the traffic violator school referral list.

27 (j) (1) Every application filed with the department on and after  
28 June 1, 1991, for an original license by a traffic school owner or  
29 for approval to conduct classes in a judicial district not previously  
30 approved, shall be accompanied by the approval of the court in  
31 each judicial district proposed for those operations of the name of  
32 the school, on a form approved by the department for that purpose.  
33 For the approved name to be included in the traffic violator school  
34 referral list, the form shall be received by the department no later  
35 than 90 days prior to publication.

36 (2) When a court disapproves a school name pursuant to this  
37 subdivision, the court shall notify the school owner within 30 days  
38 of its disapproval and schedule a hearing for that school owner, or  
39 a representative, if requested, at which the sole issue shall be  
40 whether the name violates the standards set forth in subdivision

1 (d). A substitute name may be submitted to the court at the  
2 conclusion of the hearing, pursuant to subdivision (h).

3 (3) The court shall make every effort to schedule, conduct, and  
4 complete a hearing within 60 days of receipt of the school owner's  
5 request for a school name approval. A name approval in a judicial  
6 district shall not affect the school's name or listing in any other  
7 district in the state. A change in physical location by a school  
8 within a judicial district shall not require approval pursuant to this  
9 subdivision.

10 (k) The department shall publish a list of the owners of traffic  
11 violator schools. One copy shall be provided to each ~~municipal~~  
12 ~~superior court in the state, and to each superior court in a county~~  
13 ~~in which there is no municipal court.~~ This list shall be revised at  
14 least twice annually and transmitted to the courts by the first day  
15 of January and the first day of July. This list shall include all of the  
16 following:

17 (1) The name of each school, grouped by owner.

18 (2) The business office address.

19 (3) The business office telephone number.

20 (4) The license number.

21 (5) The owner's name.

22 (6) The operator's name.

23 (l) Except as otherwise provided in subdivision (d) of Section  
24 42005, the court shall use either the current list of traffic violator  
25 schools published by the department when it orders a person to  
26 complete a traffic violator school pursuant to subdivision (a) or (b)  
27 of Section 42005 or, when a court utilizing a nonprofit agency for  
28 traffic violator school administration and monitoring services in  
29 which all traffic violator schools licensed by the department are  
30 allowed the opportunity to participate, a statewide referral list may  
31 be published by the nonprofit agency and distributed by the court.  
32 The agency shall monitor each classroom location situated within  
33 the judicial districts in which that agency provides services to the  
34 courts and is represented on its referral list. The monitoring shall  
35 occur at least once every 90 days with reports forwarded to the  
36 department and the respective courts on a monthly basis.

37 (m) The court may charge a traffic violator a fee to defray the  
38 costs incurred by the agency for the monitoring reports and  
39 services provided to the court. The court may delegate collection  
40 of the fee to the agency. Fees shall be approved and regulated by

1 the court. Until December 31, 1996, the fee shall not exceed the  
2 actual cost incurred by the agency or five dollars (\$5), whichever  
3 is less.

4 (n) If any provision of subdivision (d) or (e), as added by  
5 Section 4 of Assembly Bill 185 of the 1991–92 Regular Session,  
6 or the application thereof to any person, is held to be  
7 unconstitutional, this section is repealed on the date the decision  
8 of the court so holding becomes final.

9 SEC. 2. Section 11205.2 is added to the Vehicle Code, to read:

10 11205.2. (a) As used in this chapter, court assistance program  
11 (CAP) is a public or private nonprofit agency that provides  
12 services, under contract with a court, to process traffic violators.

13 ~~SEC. 2. Section 11205 of the Vehicle Code, as amended by~~  
14 ~~Section 456 of Chapter 931 of the Statutes of 1998 is repealed.~~

15 (b) A court may use a CAP to assist the court in performing  
16 services related to the processing of traffic violators. As used in  
17 this section, “services” includes those services relating to the  
18 processing of traffic violators at, and for, the court.

19 (c) Whenever a CAP monitors a designated traffic violator  
20 school, the CAP shall follow the procedures set forth in  
21 subdivision (d) of Section 11214. The CAP shall send its  
22 monitoring report to the department for review, evaluation,  
23 processing and any further action determined necessary by the  
24 department. A copy of the report shall also be provided to the  
25 court. The role of a CAP is limited to that set forth in this ~~section.~~  
26 ~~Nothing in this section shall be construed to abrogate or limit~~  
27 ~~chapter. Nothing in this chapter abrogates or limits~~ the inherent  
28 powers of the courts under Article VI of the California  
29 Constitution.

30 (d) When a monitoring report is adverse, the CAP shall send a  
31 copy to the licensee within 30 days after the date of the monitoring.  
32 Copies of all other monitoring reports shall be available to a  
33 licensee upon request and payment of a fee. The fee may not  
34 exceed the cost of postage and photocopying.

35 (e) The department or a court may not remove the name of a  
36 traffic violator school that does not have a suspended or revoked  
37 license from any student referral list published by the department  
38 or CAP pursuant to Section 11205, unless the school *owner* is  
39 provided notice and the opportunity to request a hearing conducted  
40 by the department or a court, to determine whether there are

1 sufficient grounds to warrant removal of the school's name. Any  
2 decision to remove a name may be appealed to any court of  
3 competent jurisdiction.

4 (f) In the event that a CAP, acting pursuant to a contract with  
5 a court, audits or inspects the records of a traffic violator school,  
6 the CAP shall use the same process and procedures used by the  
7 department to conduct the audit or inspection.

8 (g) This section does not preclude a court from entering into a  
9 contract with public or private nonprofit agencies to provide  
10 services to the court, other than those described in this section.

11 SEC. 3. Section 11214 of the Vehicle Code is repealed.

12 SEC. 4. Section 11214 is added to the Vehicle Code, to read:

13 11214. (a) Except as provided in this chapter, the department  
14 may audit, inspect, and monitor, all licensed traffic violator  
15 schools.

16 (b) The department may annually audit the records of a  
17 licensee. Auditing includes, but is not limited to, the review and  
18 examination of business records, class records when applicable,  
19 business practices, and the content of the program of instruction  
20 set forth in the lesson plan or curriculum of a licensee.

21 (c) Inspecting includes, but is not limited to, the review of the  
22 business office, branch office, and applicable classroom facilities  
23 of a licensee.

24 (d) Monitoring includes the onsite review of the actual  
25 presentation of the program of traffic safety instruction provided  
26 in a classroom mode of instruction.

27 ~~(e) To the extent that funding is available, the department shall~~  
28 ~~endeavor to monitor one representative class of a classroom based~~  
29 ~~licensee at least once every 180 days in each county in which the~~  
30 ~~licensee provides traffic safety instruction. The department's~~  
31 ~~monitoring of a licensee's program of traffic safety instruction~~  
32 ~~may be conducted without advance notice to the licensee. The~~  
33 ~~department shall provide the resources and staffing for these~~  
34 ~~monitoring functions that are commensurate with the moneys~~  
35 ~~appropriated by the Legislature to the department under Section~~  
36 ~~11208.~~

37 SEC. 5. Nothing in this act restricts or changes the authority  
38 of a court to offer court authorized or court approved programs,  
39 including, but not limited to, home study programs, to traffic  
40 violators.

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2	CORRECTIONS
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